

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 16th March, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr H S Rogers and Cllr M Taylor

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 17/12 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/13 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/14 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 02/2017

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had been Convicted on 23 January 2015 in the Criminal Court of Boulogne-Sur-Mer for an offence under the Immigration Act 1971 S.25(1).

The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate to

ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits; and
- (3) that, with regard to Previous Convictions, Sections 12.1.2 – 12.1.4 of the Policy stated that the overriding consideration was the safety of the public and that some discretion may be appropriate if the offence was isolated and there were mitigating circumstances.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction. There was no evidence of dishonesty surrounding the offence and the Panel was satisfied with the Applicant's explanation of the circumstances surrounding it. It was noted that the offence was an isolated occurrence.

The Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be APPROVED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 11.30 am
having commenced at 11.00 am